

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

IRIS POUNDS, CARLTON MILLER,)
VILAYUAN SAYAPHET-TYLER,)
RHONDA HALL and PIA TOWNES,)
on behalf of themselves and)
all others similarly situated,)
Plaintiffs,) Civil Action No. 1:16-CV-1395
v.)
PORTFOLIO RECOVERY ASSOCIATES,)
LLC,)
Defendant.)

DECLARATION OF COUNSEL J. JEROME HARTZELL IN SUPPORT OF
PLAINTIFFS' MOTION FOR EXPEDITED DETERMINATION OF
MOTION TO REMAND

I, J. Jerome Hartzell, declare:

1. I am one of the attorneys for plaintiffs in *Pounds v. Portfolio Recovery Associates, LLC*.
2. This declaration concerns the contents of files in the Wake County Clerk of Court's office.
3. From review of the "VCAP" computer terminals maintained in the Wake County Clerk of Court's offices, I have confirmed that writs of execution have been issued in over 100 cases brought by Portfolio Recovery Associates, LLC ("PRA") in Wake County since plaintiffs filed their Complaint and Motion

EXHIBIT
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for Preliminary Injunction in the Superior Court of Durham County on November 21, 2016.

4. I reviewed the entire court file in five of these cases. Writs of execution were issued in these cases by the Wake County Clerk of Court's Office on the dates indicated below:

	<u>Case no.</u>	<u>Execution issue date</u>
PRA v. Baker	15-CVD-14759	December 7, 2016
PRA v. Alalyadi	13-CVD-11502	January 6, 2017
PRA v. Rosario	15-CVD-12172	December 7, 2016
PRA v. Pate	15-CVD-6988	December 7, 2016
PRA v. Chapman	12-CVD-14010	January 6, 2017

5. I determined this by my personal review of the files, noting copies of Writs of Execution in the files, and noting the dates for the receipts for the charge "WRIT OF EXE" and payment of the \$25.00 writ of execution fee.

6. In each of these cases, the execution was based on a PRA default judgment.

7. These five cases are five of the 367 cases summarized in plaintiffs' "Eight County Sample" that appears as Exhibits 14-17 of the Exhibits in Support of Plaintiffs' Motion for Preliminary Injunction and Plaintiffs' Motion for Class Certification filed November 21, 2016 (filed in this Court in

Attachment No. 11 to PRA's Petition for Removal [Docket Entry No. 1-11]).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 6th day of February, 2017.

/s/ J. Jerome Hartzell
J. Jerome Hartzell